

10,025,000

9203724-3

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
6548-1039.1

Total Pages in this Submission

OCT 17 2002

**TO THE ASSISTANT COMMISSIONER FOR PATENTS**Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**CUTTING DEVICE**COPY OF PAPERS  
ORIGINALLY FILED

and invented by:

**KEVIN L. PARSONS AND JAMES BODY****RECEIVED**

DEC - 6 2002

TECHNOLOGY CENTER R3700

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/419,412

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 20 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Microfiche Appendix (if applicable)
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if drawings filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
6548-1039.1

Total Pages in this Submission

**Application Elements (Continued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*  
a. ☐ Formal      b. ☒ Informal      Number of Sheets 4
4. ☒ Oath or Declaration  
a. ☐ Newly executed *(original or copy)*      ☐ Unexecuted  
b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*  
c. ☒ With Power of Attorney      ☐ Without Power of Attorney  
d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied  
under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.
6. ☐ Computer Program in Microfiche
7. ☐ Genetic Sequence Submission *(if applicable, all must be included)*  
a. ☐ Paper Copy  
b. ☐ Computer Readable Copy  
c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

8. ☐ Assignment Papers *(cover sheet & documents)*
9. ☐ 37 CFR 3.73(b) Statement *(when there is an assignee)*
10. ☐ English Translation Document *(if applicable)*
11. ☐ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing  
☐ First Class      ☒ Express Mail *(Specify Label No.):* EL 874 026 007 US

**UTILITY PATENT APPLICATION TRANSMITTAL  
(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
6548-1039.1

Total Pages in this Submission

**Accompanying Application Parts (Continued)**

15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☐ Small Entity Statement(s) - Specify Number of Statements Submitted: \_\_\_\_\_
17. ☐ Additional Enclosures *(please identify below)*:

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

18. ☒ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
6548-1039.1

Total Pages in this Submission

**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	32	- 20 =	12	x \$9.00	\$108.00
Indep. Claims	3	- 3 =	0	x \$42.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$370.00
OTHER FEE (specify purpose) _____					\$0.00
TOTAL FILING FEE					\$478.00

- ☒ A check in the amount of \$478.00 to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: Dec 18, 2001

Signature

ROBERT F. L. CONTE  
LEE, MANN, SMITH, MCWILLIAMS,  
SWEENEY & OHLSON  
P.O. BOX 2786  
CHICAGO, IL 60690  
REGISTRATION NO.: 20,354

CC:



COPY OF PAPERS  
ORIGINALLY FILED

43

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kevin L. Parsons et al.

Group Art Unit: 3724

Serial No.: 10/025,000

Examiner:

Filed: December 18, 2001

For: CUTTING DEVICE

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on this date:

Attorney

Docket No.: 86604

10/11/02 Richard F. Wood  
Date Registration No.: 22,839  
Attorney for Applicant(s)



**RESPONSE TO MISSING PARTS**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION mailed 04/12/2002, being filed herewith is a copy of an executed Declaration and Power of Attorney from the parent application, Serial No. 09/419,412, filed October 15, 1999.


It is pointed out that the Filing Receipt (copy enclosed) for the subject application identifies this application as a "CIP of 09/419,412 10/15/1999 PAT 6,349,472" and notes "Data inconsistent with PTO records". In fact, the subject application is a continuation from Serial No. 09/419,412, and is so identified on the original UTILITY PATENT APPLICATION TRANSMITTAL form (copy enclosed). Page 2 of 4 of the TRANSMITTAL form states that a copy of the Oath or Declaration "from a prior application (37 CFR 1.63(d)) is also being filed". Apparently, a copy of the Declaration from the prior (priority) application was not enclosed with the TRANSMITTAL form.

Accordingly, as stated above, a copy of the executed Declaration from the prior application, Serial No. 09/419,412, is being filed herewith along with a Revocation and Power of Attorney By Assignee appointing the assignee's undersigned attorneys as attorneys of record.

Also enclosed is a Petition for Extension of Time to make this Response to Missing Parts timely.

Respectfully submitted,

WELSH & KATZ, LTD.

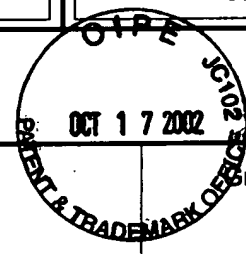
By   
Richard L. Wood  
Registration No. 22,839

October 11, 2002  
WELSH & KATZ, LTD.  
120 South Riverside Plaza - 22<sup>nd</sup> Floor  
Chicago, IL 60606  
Phone: (312) 655-1500  
Fax: (312) 655-1501

#3  
MP#

<b>Response To Notice To File Missing Parts Of Application Filing Date Granted (PTO-1533)(Small Entity)</b>	<b>Docket No.</b> 86604
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In Re Application Of: Kevin L. Parsons et al.



<b>Serial No.</b> 10/025,000	<b>Filing Date</b> 12/18/2001	<b>Examiner</b> Group Art Unit 3724
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Invention: CUTTING DEVICE

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on  
04/12/02  
Date

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☒ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☐ A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☐ \_\_\_\_\_ verified small entity declaration(s)
  - ☐ is/are attached.
  - ☐ was/were filed on \_\_\_\_\_
- ☐ A separate request for refund.
- ☒ Other (list):

Response to Missing Parts  
Revocation and Power of Attorney

#3

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Small Entity)**

**Docket No.  
86604**

In Re Application Of: **Kevin L. Parsons et al.**

**Serial No.  
10/025,000**

**Filing Date  
12/18/2001**

**Examiner**

**Group Art Unit  
3724**

**Invention: CUTTING DEVICE**

**TO THE ASSISTANT COMMISSIONER FOR PATENTS:**

**Box Missing Parts**

☐ Completion of application fees as calculated below:

☐ Utility application filing fee \_\_\_\_\_

☐ Design application filing fee \_\_\_\_\_

☐ Total number of independent claims = \_\_\_\_\_

☐ Total number of claims = \_\_\_\_\_

☐ Multiple dependent claims \_\_\_\_\_

☒ Surcharge for late payment of filing fee and/or late filing of original declaration or oath **\$65.00**

☐ Petition and fee for filing by other than all the inventors or a person not the inventor \_\_\_\_\_

☐ Fee for processing an application filed with a non-English language specification \_\_\_\_\_

☐ Fee for processing and retention of application \_\_\_\_\_

**Total completion of application fees** \_\_\_\_\_

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month    ☐ Two months    ☐ Three months    ☒ Four months    ☐ Five months

from: 06/12/02  
Date

until: 10/12/02  
Date

**Total time extension fees** **\$720.00**

**Total fees due** **\$720.00**



**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Small Entity)**

**Docket No.**  
**86604**

In Re Application Of: **Kevin L. Parsons et al.**

**Serial No.**  
**10/025,000**

**Filing Date**  
**12/18/2001**

**Examiner**

**Group Art Unit**  
**3724**

**Invention: CUTTING DEVICE**

**TO THE ASSISTANT COMMISSIONER FOR PATENTS:**

**Box Missing Parts**

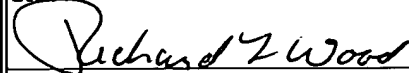
The fee of **\$785.00** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No.  
A duplicate copy of this sheet is enclosed.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **23-0920**  
A duplicate copy of this sheet is enclosed.

  
*Signature*

**Dated: 10/11/02**

I certify that this document and fee is being deposited  
on **10/11/2002** with the U.S. Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Assistant Commissioner for Patents, Washington, D.C.  
20231



*Signature of Person Mailing Correspondence*

**Richard L. Wood, Reg. No. 22,839**

*Typed or Printed Name of Person Mailing Correspondence*

CC:



COPY OF PAPERS  
ORIGINALLY FILED

#3

PTO/SB/17 (11-01)  
Approved for use through 10/31/2002. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

\$785.00

## Complete if Known

Application Number	10/025,000
Filing Date	December 18, 2001
First Named Inventor	Kevin L. Parsons
Examiner Name	
Group Art Unit	3724
Attorney Docket No.	86604

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number  
23-0920

Deposit Account Name  
Welsh & Katz, Ltd.

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					

### 2. EXTRA CLAIM FEES FOR UTILITY AND

Extra Claims		Fee from below		Fee Paid
Total Claims	<input type="text"/> -20** = <input type="text"/> 0	X	<input type="text"/>	= <input type="text"/> 0.00
Independent Claims	<input type="text"/> -3** = <input type="text"/> 0	X	<input type="text"/>	= <input type="text"/> 0.00
Multiple Dependent			<input type="text"/>	= <input type="text"/>

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					\$0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	65.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non - English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	720.00
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR § 1.17(q)	
126	180	126	180	Submission of Information Disclosure Statement	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)					

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$785.00

## SUBMITTED BY

Name (Print/Type)	Richard L. Wood	Registration No. (Attorney/Agent)	22,839	Telephone	(312) 655-1500
Signature	Richard L. Wood	Date	October 11, 2002		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

86604



UNITED STATES PATENT AND TRADEMARK OFFICE

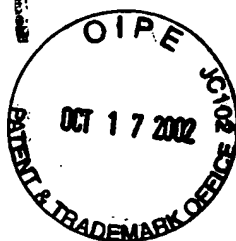
RECEIVED

APR 10 2002

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	EL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/025,000	12/18/2001	3724	LEE, MANN, SMITH, MCWILLIAMS, SWEENEY & OHLSON	5549 1030 1	4	32	3

LEE, MANN, SMITH, MCWILLIAMS,  
SWEENEY & OHLSON  
P.O. BOX 2786  
CHICAGO, IL 60690



CONFIRMATION NO. 8498

FILING RECEIPT



\*OC00000007859893\*

Date Mailed: 04/12/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Kevin L. Parsons, Residence Not Provided;  
James Boda, Residence Not Provided;

**Domestic Priority data as claimed by applicant**

THIS APPLICATION IS A CIP OF 09/419,412 10/15/1999 PAT 6,349,472 \*  
(\*) Data inconsistent with PTO records.

**Foreign Applications**

If Required, Foreign Filing License Granted 04/11/2002

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

**\*\* SMALL ENTITY \*\***

**Title**

Cutting device

**Preliminary Class**



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/025,000	12/18/2001	Kevin L. Parsons	6548-1039.1

LEE, MANN, SMITH, MCWILLIAMS,  
SWEENEY & OHLSON  
P.O. BOX 2786  
CHICAGO, IL 60690



CONFIRMATION NO. 8498

FORMALITIES LETTER



\*OC000000007857617\*

Date Mailed: 04/12/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

10/18/2002 AHABI1 00000059 10025000

02 FC:2051

65.00 OP